

Eric H. Gibbs (State Bar No. 178658)
ehg@girardgibbs.com
Philip B. Obbard (State Bar No. 135372)
David Stein (State Bar No. 257465)
GIRARD GIBBS LLP
601 California Street, 14th Floor
San Francisco, California 94104
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Attorneys for Plaintiff Deno Milano

Robert A. Mittelstaedt (State Bar No. 60359)
ramittelstaedt@jonesday.com
Craig E. Stewart (State Bar No. 129530)
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

*Attorneys for Defendants Interstate Battery System of
America, Inc., and Interstate Battery System International, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DENO MILANO,

Plaintiff,

vs.

INTERSTATE BATTERY SYSTEM OF
AMERICA, INC.; INTERSTATE BATTERY
SYSTEM INTERNATIONAL, INC.,

Defendants.

Case No. C 10-02125 CW

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
HEARING DATE, AND ORDER**

(LOCAL RULE 7-12)

1 Plaintiff Deno Milano and Defendants Interstate Battery System of America, Inc., and Interstate
2 Battery System International, Inc., by and through the undersigned attorneys hereby agree and stipulate
3 as follows:

4 WHEREAS, this Court granted two continuances of the Case Management Conference to allow
5 the parties the opportunity to conduct in-person settlement discussions (Dkt. Nos. 34, 36 (Feb. 15 and
6 Mar. 9, 2011)).

7 WHEREAS, during their most recent mediation session with the Hon. William J. Cahill (Ret.) of
8 JAMS, on March 31, 2011, the parties reached an agreement in principle to fully resolve this litigation.

9 WHEREAS, the Court directed the parties to use their best efforts to finalize the settlement
10 agreement and to file a motion for preliminary approval by June 9, 2011, and stated the motion for
11 preliminary approval of settlement could be heard on July 14, 2011 (Dkt. No. 38, April 18).

12 WHEREAS, despite diligent efforts, it is taking the parties more time than expected to complete
13 the Settlement Agreement and accompanying documents. In part, this is due to the different
14 components of the Settlement Agreement and the different benefits being made available to Settlement
15 Class Members. In addition, the parties have been preparing the underlying documents that will be
16 Exhibits to the Settlement Agreement, including CAFA Notice, Settlement Notice, Flyers for Interstate
17 Batteries Authorized Warranty Dealers, Tier One Submission Forms, Tier Two Submission Forms, and
18 the Affidavit of the Mediator. Defense Counsel has been working with Defendant Interstate Batteries to
19 evaluate and rewrite its current warranty, parts of which are the basis for the allegations made in this
20 lawsuit.

21 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned attorneys for
22 the parties, subject to the Court's approval, that:

- 23 1. The parties will continue to work diligently to finalize their agreement and to file their
24 motion for preliminary approval of settlement by July 7, 2011;
25 2. The motion for preliminary approval of settlement can be heard on 21 days notice, Local
26 Rule 7-2; and
27
28

3. The Case Management Conference and hearing scheduled for July 14, 2011, will be continued to July 28, 2011 at 2:00 pm.

IT IS SO STIPULATED.

DATED: June ___, 2011

GIRARD GIBBS LLP

By: /s/ Eric H. Gibbs

Philip B. Obbard
David Stein
601 California Street, Suite 1400
San Francisco, California 94104
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Attorneys for Plaintiff

DATED: June ___, 2011

JONES DAY

By: Craig E. Stewart

Robert A. Mittelstaedt
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS ORDERED:

The Court has read and considered the parties' stipulation and orders that:

1. The parties shall use their best efforts to finalize the settlement agreement and to file a motion for preliminary approval by July 7, 2011.

2. The motion for preliminary approval of settlement can be heard on 21 days notice, Local Rule 7-2; and

1 3. The Case Management Conference and hearing scheduled for July 14, 2011, will be
2 continued to July 28, 2011 at 2:00 pm.

3
4
5 Date: 6/7/2011


6 Judge Claudia Wilken
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28